

BEFORE THE TAX COMMISSION OF THE STATE OF IDAHO

In the Matter of the Protest of)	
)	DOCKET NO. 19502
[REDACTED],)	
)	DECISION
Petitioner.)	
_____)	

On April 20, 2006, the Tax Discovery Bureau (Bureau) of the Idaho State Tax Commission issued a Notice of Deficiency Determination (NODD) to [Redacted] (taxpayer), proposing income tax, penalty, and interest for taxable year 2001 in the amount of \$1,134.

The taxpayer filed a timely protest. He did not request a hearing and did not submit additional information. The Tax Commission, having reviewed the file, hereby issues its decision based upon the information contained in the file.

Tax Commission records showed the taxpayer lived and worked in Idaho during 2001. [Redacted]

Idaho Code § 63-3045 (1)(a) states:

63-3045. Notice of redetermination or deficiency --
Interest. (1) (a) If, in the case of any taxpayer, the state tax commission determines that there is a deficiency in respect of the tax imposed by this title, the state tax commission shall, immediately upon discovery thereof, send notice of such deficiency to the taxpayer by registered or certified mail or by other commercial delivery service providing proof of delivery, whichever is the most cost efficient. The notice shall be sent to the taxpayer's last address known to the state tax commission. The notice of deficiency shall be accompanied by an explanation of the specific reason for the determination and an explanation of the taxpayer's right to appeal. Within sixty-three (63) days after such notice is mailed, the taxpayer may, at his option, file a protest in writing with the state tax commission and obtain redetermination of the deficiency.

The Bureau sent the taxpayer a letter asking for information regarding his residency and employers during 2001. His response to the inquiry indicated the taxpayer had a requirement to file

a 2001 Idaho individual income tax return. When the taxpayer did not submit the return, the Bureau prepared a return on his behalf. The NODD amounts were based on Tax Commission records and W-2 and 1099 information [Redacted].

The taxpayer sent a written protest stating that he had dependents that were not taken into account when the tax responsibility was computed. The Bureau acknowledged the taxpayer's protest in a letter advising him to file his Idaho return to claim his wife and three children as dependents. The taxpayer did not answer the letter and did not submit his federal and state income tax returns.

The taxpayer's file was transferred to the Legal/Tax Policy Division of the Tax Commission for administrative review. He did not answer a letter from the Tax Appeals Specialist that outlined his appeal rights and asked him once more to file his 2001 Idaho individual income tax return.

The taxpayer met the requirements for filing an Idaho income tax return for 2001. Yet, Tax Commission records show no return has been filed. The Bureau computed the taxpayer's Idaho income tax responsibility using federal income information and the filing status of married filing separate. He was allowed the standard deduction and one personal exemption. No withholding was identified in Tax Commission records.

The Tax Commission has received nothing to indicate the NODD prepared by the Bureau is in error. The penalty and interest additions were calculated in conformity with Idaho Code §§ 63-3045 and 63-3046.

A Notice of Deficiency Determination issued by the Idaho State Tax Commission is presumed to be accurate. Parsons v. Idaho State Tax Com'n, 110 Idaho 572 (Ct. App. 1986). Having presented no information in support of his argument, the taxpayer has failed to meet his

burden of proving error on the part of the deficiency determination. Albertson's, Inc. v. State, Dept. of Revenue, 106 Idaho 810 (1984).

WHEREFORE, the Notice of Deficiency Determination dated April 20, 2006, is hereby APPROVED, AFFIRMED, and MADE FINAL.

IT IS ORDERED and THIS DOES ORDER that the taxpayer pay the following tax, penalty, and interest for 2001:

<u>TAX</u>	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
\$756	\$189	\$202	\$1,147

Interest is computed through September 30, 2006.

DEMAND for immediate payment of the foregoing amount is hereby made and given.

An explanation of taxpayer's right to appeal this decision is enclosed with this decision.

DATED this ____ day of _____, 2006.

IDAHO STATE TAX COMMISSION

COMMISSIONER

CERTIFICATE OF SERVICE BY MAIL

I hereby certify that I have on this ____ day of _____, 2006, served a copy of the within and foregoing DECISION by sending the same by United States mail, postage prepaid, in an envelope addressed to:

[REDACTED]

Receipt No.
